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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/667,124

09/18/2003

Chiao-Chung Huang

250122-1020

7157

24504

7590

12/14/2006

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA, GA 30339-5948

EXAMINER

LEE, LAURA MICHELLE

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,124

Applicant(s)

HUANG ET AL.

Examiner

Laura M. Brean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/18/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/18/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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2. The abstract of the disclosure is objected to because the first sentence is a fragment. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

On page 4, line 14, "thread portion" should be -- threaded portion--.

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities:

Claim 1, line 6, "the connection line" should be -- a connection line--.

Claim 1, lines 13-14, "the connection line" should be -- a connection line--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3,5 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuoka et al. (U.S. Publication 2002/0158099), herein referred to as Matsuoka. Matsuoka discloses an apparatus (Figure 3) for splitting a test piece comprising: a base (31) with a centerline (perpendicular to line a-a shown in Figure 2); two pillars (20 and 20) disposed on the base separated by a first interval to support the test piece, wherein a connection line between the pillars (20) is perpendicular to and divided equally by the centerline; and a sliding piece (49) disposed on the base (31) movable along the centerline, wherein the sliding piece (49) has two fingers (adjusting bolts, 46) parallel to the centerline separated by a second interval, which is smaller than the first interval, and the connection line between the tips of the fingers is perpendicular to and divided equally by the centerline.

In regards to claim 2, Matsuoka discloses wherein the base has two pivot points (bolts, 53; paragraph [0028] at the both sides of the centerline (perpendicular to line a-a) to install the pillars (by advancing the pressurizing caps 51 by way of the rod 52).

In regards to claim 3, Matsuoka discloses wherein the pivot points (53) are separated by the first interval, which is divided equally by the centerline.

In regards to claim 5, Matsuoka discloses an operating method for the apparatus comprising the steps of: providing a test piece having a working surface with a target point (); forming two slits (5a) separated apart on the working surface (Figure 5) and aligned with the target point in a predetermined line; fixing the test piece on the base with the working surface contacting the pillars (20) and the slits aligned (perpendicularly) with the centerline of the base; moving the sliding piece (), such that

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the fingers contact the test piece; and pushing the sliding piece to split the test piece along the predetermined line by the fingers of the sliding piece and the pillars.

7. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (U.S. Patent 5,060,548), herein referred to as Sato. Sato discloses an apparatus (circular saw) for splitting a test piece (wood) comprising: a base (base, 1) with a centerline (groove between members 20/21 as shown in Figure 10A; additionally although the groove is not labeled, Figure 11 discloses the circular passing through the base, indicative that a groove between 20/21 exists); two pillars (fence 3 and 3, see Figure 6) disposed on the base separated by a first interval to support the test piece, wherein a connection line between the pillars (3/3) is perpendicular to and divided equally by the centerline; and a sliding piece (the blade 17, and surrounding structure) disposed on the base (1) (by support 10, Figure 5) movable along the centerline, wherein the sliding piece has two fingers (left and right side of the blade guard, 37) parallel to the centerline separated by a second interval, which is smaller than the first interval, and the connection line between the tips of the fingers is perpendicular to and divided equally by the centerline.

In regards to claim 2, Sato discloses wherein the base has two pivot points (threaded bolts and bolt holes, shown, but not numbered in Figure 10A) at the both sides of the centerline to install the pillars (3).

In regards to claim 3, Sato discloses wherein the pivot points (Figure 10A, not numbered) are separated by the first interval, which is divided equally by the centerline.

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In regards to claim 4, Sato discloses wherein the base has a straight groove (groove between members 20/21 as shown in Figure 10A; additionally although the groove is not labeled, Figure 11 discloses the circular passing through the base, indicative that a groove between 20/21 exists), and the sliding piece has a protrusion (blade, 17) movable in the groove along the centerline.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,418,922 to Dubois et al, U.S. Patent 5,069,195 to Barozzi, U.S. Patent 4,986,132 to Calomino, U.S. Patent 3,998,201 to Miura et al., U.S. Patent 3,882,807 to Montgomery, U.S. Patent 5,123,581 to Curtis et al., U.S. Patent 6,513,694 to Xu et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMB
12/06/2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER